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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,182	04/24/2001	Naoki Kubo	0879-0312P	2643
2292	7590	10/31/2005	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			AGGARWAL, YOGESH K	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 10/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/840,182

Applicant(s)

KUBO, NAOKI

Examiner

Yogesh K. Aggarwal

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.135(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 19 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 08/19/2005 has been entered.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-22 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 103***

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lathrop (US Patent # 6,288,743) in view of Takemura (JP Patent # 11088672A).

*Examiner is using US Patent of Takemura (US Patent # 6,657,658) as the translation.*

[Claim 1]

Lathrop teaches an image recording apparatus (figure 1), comprising a storage device (32) that stores in a storage medium, image data obtained at one of a plurality of middle stages of image processing for processing signals outputted from an imaging device (col. 4 lines 1-36). Lathrop teaches that the image processing is divided into a number of sequential steps and the

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intermediate results are stored after each step (col. 7 lines 25-30) but fails to teach that the image data obtained at completion of the image processing at each of the plurality of middle stages being separately stored and separately identifiable in said storage medium.

However Takemura teaches an image data obtained by the image taking means 101 is displayed as a visible image on the monitor 11. Takemura further teaches that the user can input various setting values into the display means 102 and the image data processed according to the setting values is displayed and if it is acceptable, the user designates an end of setting. Takemura also teaches that the finish information and the image file are stored separately by the use of file names or IDs defined separately (col. 8 lines 30-56, figure 6). Thus according to Takemura, the image after being processed according to the user settings is separately stored and identified with a file name according to the user designated settings.

Therefore taking the combined teachings of Lathrop and Takemura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have image data obtained at completion of the image processing being separately stored and separately identifiable in said storage medium as taught in Takemura at each of the plurality of middle stages of Lathrop in order to easily identify the image corresponding to a particular settings set by the user.

[Claim 2]

Lathrop discloses the image recording apparatus as defined in claim 1, wherein information is stored in the storage medium with the image data, the information indicating which middle stage the one is (e.g., Lathrop inherently stores which processing step the image is at so that the

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previously halted step is resumed at the point of interruption so that no previous processing steps need to be repeated; column 4, lines 19-36; column 6, lines 45-67).

[Claim 3]

Lathrop discloses the image recording apparatus as defined in claim 2, wherein the information is added to a file in which the image data is stored (e.g., column 6, lines 1 and 2, and lines 45-49; column 7, lines 44-58).

[Claim 4]

Takemura teaches that the finish information associated with the image file and the image file are stored according to the user designated settings in separate files along with different IDs (column 8 lines 30-56).

[Claim 5]

Lathrop discloses the image recording apparatus as defined in claim 2, wherein one of the following additional data is stored in the storage medium with the information: parameter data for the image processing, processing data used for the image processing, and image processing program for processing the image data, information on the image processing program, and reduced image data of the image data (e.g., Lathrop discloses storing a thumbnail in the storage medium; column 5, lines 33-57).

[Claim 6]

Lathrop discloses the image recording apparatus as defined in claim 5, wherein the additional data is added to a file in which the image data is stored (e.g., column 6, lines 1-12).

[Claim 7]

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Lathrop discloses the image recording apparatus as defined in claim 5, wherein the additional data is stored in a file other than a file in which the image data is stored (e.g., Examiner notes that the claimed image data is both the TIFF file and the JPEG file wherein the thumbnail image is stored as a separate file until the JPEG file is created; column 5, lines 33-41).

[Claim 8]

Lathrop discloses the image recording apparatus as defined in claim 1, further comprising a reduced image data producing device that produces reduced image data at a last stage of the image processing from the signals outputted from the imaging device (e.g., the thumbnail image is produced at a last stage of preliminary processing; column 5, lines 33-57);

wherein the reduced image data is stored in the storage medium with the image data (e.g., column 5, lines 51-57).

[Claim 9]

In regards to claim 9 see Examiners notes on the rejections above.

[Claim 10]

Lathrop discloses the image recording apparatus as defined in claim 1, further comprising a file naming device that adds a predetermined symbol to a file name of a file in which image data is stored according to a stage at which the image data has been obtained (e.g., Examiner notes that upon starting of processing the predetermined symbol JPEG is added to the file name; column 6, lines 1-12).

[Claim 11]

Lathrop teaches an image recording apparatus (figure 1), comprising an imaging device (16) that converts an optical image into signals storage device (32) that stores in a storage

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medium, image data obtained at one of a plurality of middle stages of image processing for processing signals outputted from an imaging device (col. 4 lines 1-36). Lathrop further teaches that the image processing is divided into a number of sequential steps and the intermediate results are stored after each step (col. 7 lines 25-30) and therefore reads on a controlling device that obtains image data at a stage and a storing device that stores the image data in a storage medium.

Lathrop fails to teach a designating device by which a user designates a desired processing stage out of an image processing sequence in which a plurality of processing stages are sequentially performed for processing the signals outputted from said imaging device;

However Takemura teaches an image data obtained by the image taking means 101 is displayed as a visible image on the monitor 11. Takemura further teaches that the user can input various setting values into the display means 102 (designating device) and the image data processed according to the setting values is displayed and if it is acceptable, the user designates an end of setting. Takemura also teaches that the finish information and the image file are stored according to the user designated settings in separate files along with different IDs (col. 8 lines 30-56, figure 6). Thus according to Takemura, the image after being processed according to the user designated setting means (103) is stored according to the user designated settings.

Therefore taking the combined teachings of Lathrop and Takemura, it would be obvious to one skilled in the art at the time of the invention to have been motivated to have a designating device by which a user designates a desired processing stage for processing the signals outputted from said imaging device and the image after being processed is stored according to the user designated settings as taught in Takemura out of an image processing sequence in which a

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plurality of processing stages are sequentially performed in the system of Lathrop in order to obtain an acceptable image on the camera that is processed according to user settings.

[Claim 12]

Lathrop inherently stores which processing step the image is at so that the previously halted step is resumed at the point of interruption so that no previous processing steps need to be repeated; column 4, lines 19-36; column 6, lines 45-67 and Takemura teaches that the finish information associated with the image file and the image file are stored according to the user designated settings in separate files along with different IDs. Therefore taking the combined teachings of Lathrop and Takemura, information stored in the storage medium with the image data, the information indicating which processing stage the image data has been processed.

[Claims 13 and 14]

In regards to claim 13, See Examiner's notes on the rejection of claims 3 and 4 respectively.

[Claims 15-20]

In regards to claims 15-20 see Examiner's notes on the rejection of claims 5-10 respectively.

[Claims 21-22]

In regards to claims 21 and 22 see Examiner's notes on the rejections above.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Yogesh K. Aggarwal whose telephone number is (571) 272-7360. The examiner can normally be reached on M-F 9:00AM-5:30PM.




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5. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Ometz can be reached on (571)-272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

6. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

YKA

October 26, 2005

  
DAVID L. OMETZ  
SUPERVISORY PATENT  
EXAMINER